

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of)	MM Docket No. 93-75
)	
TRINITY BROADCASTING OF FLORIDA,)	
INC.)	BRCT-911001LY
)	
For Renewal of License of)	
Television Station WHFT(TV))	
Miami, Florida)	
)	DOCKET FILE COPY ORIGINAL
GLENDAL E BROADCASTING COMPANY)	BPCT-911227KE
)	
For Construction Permit)	
Miami, Florida)	

To: The Review Board

MOTION FOR ADDITIONAL TIME TO FILE EXCEPTIONS
AND FOR A RULING REGARDING PAGE LIMITATIONS

Trinity Broadcasting of Florida, Inc. ("TBF"), Trinity Christian Center of Santa Ana, Inc. d/b/a Trinity Broadcasting Network ("TBN"), and National Minority T.V., Inc. ("NMTV"), by their respective undersigned counsel, and without objection by the other parties, respectfully request the Review Board to issue an order (1) extending the date to file exceptions in this proceeding by 16 days, from December 6, 1995, to December 22, 1995, and (2) authorizing TBF and TBN to submit a consolidated set of exceptions of 50 pages.

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In support of this motion, the Movants respectfully state as follows:

1. On November 6, 1995, the Initial Decision of Administrative Law Judge Joseph Chachkin, FCC 95D-13 ("I.D."), was released in this proceeding. In the I.D., the ALJ disqualified TBF under de facto control and abuse of process issues involving the relationship between TBN and NMTV; denied the application of TBF for renewal of its license for Station WHFT(TV), Channel 45, in Miami, Florida; decided two disqualifying issues that had been designated against Glendale Broadcasting Company ("Glendale") in Glendale's favor; and granted Glendale's competing application for Channel 45.

2. Pursuant to §1.276(a)(1) of the Commission's Rules, exceptions to the I.D. are due to be filed on December 6, 1995. By this motion, TBF, TBN, and NMTV request an extension of 16 days to December 22, 1995, for the filing of exceptions.

3. The requested extension is required for several reasons. First, counsel for NMTV, which will be submitting separate exceptions, is also involved in the Clayton, Missouri, renewal proceeding, MM Docket No. 94-10, that is currently being briefed to the Board. Since replies to exceptions are due to be filed in that proceeding on December 6, 1995, it is not possible for counsel to complete NMTV's exceptions in this proceeding by the same date. Second, the record in this proceeding is extraordinarily large (over 5,000 pages of transcript and over

500 exhibits, many of which are themselves voluminous), and the issues that will be the subject of exceptions are important and complex. In these circumstances, the requested extension is required to afford the Movants adequate time to review the record and to complete proper exceptions regarding the issues in this case.

4. By this motion, TBF and TBN also request authority to submit a consolidated set of exceptions of 50 pages. (NMTV's separate exceptions and the exceptions of all other parties will be limited to 25 pages). TBF and TBN respectfully submit that good cause supports the grant of this request.^{1/}

5. In submitting their exceptions to the Review Board, TBF and TBN will be represented by the same law firm, Mullin, Rhyne, Emmons and Topel, P.C. In view of that fact, it will be more orderly and efficient for the exceptions of TBF and TBN to be consolidated into a single brief.

6. To the extent that the 25 page limit of §1.277(c) might apply to a consolidated set of exceptions, the extraordinary nature of this case warrants an expansion of that

^{1/} Pursuant to the Hearing Designation Order, 8 FCC Rcd 2475 (1993), TBF, TBN, and NMTV were each accorded status as parties in this proceeding. See I.D., ¶3, and HDO, ¶51. Thus, under §§1.276(a)(1) and 1.277(c) of the Rules, each of these parties technically appears authorized to submit 25 pages of exceptions, or 75 pages total, which is the same number of total pages for these parties that this motion contemplates. Nonetheless, TBF and TBN submit this motion to be sure that the Board is apprised of and authorizes the proposed briefing structure before it is undertaken.

limit. Unlike the Board's recent ruling in the Clayton, Missouri, proceeding,^{2/} (1) this proceeding involves two applicants, rather than a single applicant; (2) five issues (de facto control, abuse of process, two Glendale disqualification issues, and renewal expectancy) were tried, not just two issues; and (3) the hearing record in this case is unusually lengthy (see paragraph 3 above). Moreover, the issues in this proceeding are extremely complex, involving numerous events and witnesses and important questions of law and policy. Further, in light of the ALJ's determination that Glendale is basically qualified, it also will be necessary for TBF and TBN to except to the ALJ's failure to designate additional issues that had been requested regarding Glendale's basic qualifications to be the permittee of Channel 45. It is simply not possible to submit a statement of the case, a statement of issues presented, exceptions to findings and conclusions, and exceptions to evidentiary and other interlocutory rulings regarding all of these matters in 25 pages. In these exceptional circumstances, TBF and TBN respectfully submit that 50 pages are the minimum required to enable them to submit proper exceptions in this case.

7. The extraordinary importance and ramifications of this proceeding are also pertinent to this motion. TBN is a worldwide broadcast ministry and in this country is the licensee

^{2/} Letter to David Honig, Esquire, from Allan Sacks, Chief of Law, October 11, 1995 (Reply No. 1170).

of 11 full power television stations and scores of low power stations. The I.D.'s conclusions regarding TBN have potential impact regarding TBN's continued ownership of those stations and ability to provide its network service. See HDO, 8 FCC Rcd at 2481. In view of the potential impact of the issues in this case beyond this proceeding, adequate page limitations are warranted to afford TBN a meaningful opportunity to address those issues.

8. Counsel for the other parties in this proceeding -- the Mass Media Bureau, Glendale, and SALAD -- have authorized the undersigned to inform the Board that they will interpose no objection to the grant of the relief requested in this motion.

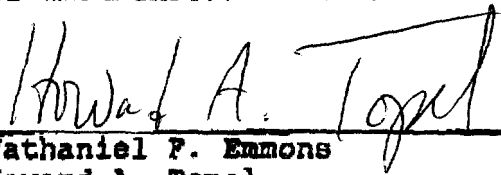
For the foregoing reasons, the Movants respectfully request that the Board issue an order (1) extending the date to file exceptions in this proceeding by 16 days to December 22, 1995, and (2) authorizing TBF and TBN to submit a consolidated set of exceptions of 50 pages.

Respectfully submitted,

TRINITY BROADCASTING OF FLORIDA, INC.

TRINITY BROADCASTING NETWORK

By:


Nathaniel P. Emmons
Howard A. Topel

Mullin, Rhyno, Emmons and Topel, P.C.
1225 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036-2604
(202) 659-4700

NATIONAL MINORITY T.V., INC.

By:


Kathryn R. Schmeltzer
Gregory L. Masters

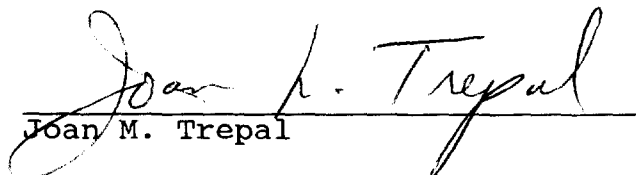
Fisher, Wayland, Cooper,
Leader & Zaragoza, L.L.P.
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006-1851
(202) 775-3547

November 13, 1995

CERTIFICATE OF SERVICE

I, Joan M. Trepal, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., hereby certify that on this 13th day of November, 1995, copies of the foregoing "MOTION FOR ADDITIONAL TIME TO FILE EXCEPTIONS AND FOR A RULING REGARDING PAGE LIMITATIONS" were sent by first class mail, postage prepaid, to the following:

- * Allan Sacks, Esq.
Chief for Law
Review Board
Federal Communications Commission
2000 L Street, N.W.--Room 201
Washington, D.C. 20554
- * James Shook, Esq.
Gary Schonman, Esq.
Federal Communications Commission
2025 M Street, N.W.--Room 7218
Washington, D.C. 20554
Counsel for the FCC's Mass Media Bureau
- Gene A. Bechtel, Esq.
John J. Schauble, Esq.
Bechtel & Cole, Chartered
1901 L Street, N.W., Suite 250
Washington, D.C. 20036
- David E. Honig, Esq.
3636 16th Street, N.W.
Suite B-863
Washington, D.C. 20010
Counsel for Spanish American League
Against Discrimination


Joan M. Trepal

* HAND DELIVERED